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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,264	05/11/1999	YUKIJI YODA	P7292-9003	7284

7590 12/20/2004

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EXAMINER	
JAGAN, MIRELLYS	
ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/309,264	YODA ET AL.	
	Examiner	Art Unit	
	Mirellys Jagan	2859	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: 3-12.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments that Osburn fails to disclose or suggest placing a work on a waiting position of an auto pallet changer 'directly after' the work has been machined are not persuasive. Applicant cites column 3, line 67-column 4, line 3 of Osburn's disclosure, which states "after an interchange has been completed, pallet 50 now on support 47 will have been bodily transferred into the operating position 32 on the machine index table 27.", as support for Applicant's argument that Osburn fails to disclose placing a work on a waiting position of an auto pallet changer directly after the work has been machined. However, this particular excerpt relied on by Applicant is referring to the exchanging of pallets (30) and (50), which was not used by the Examiner in rejecting the claims. Osburn discloses, e.g., see figures 2-6, that pallet (30) is moved in a horizontal direction from position (47B), which is considered by the Examiner to be a 'waiting position', to a position (32) located at an inlet of the machining tool, which is considered by the Examiner to be a 'machining position'. The pallet is then slid over to the tool (40) and the workpiece on the pallet (30) is worked on by the tool (40), after which the pallet (30) (and workpiece) is returned to position (32), and from position (32) to position (47B). However, in Applicant's disclosure, e.g., see figure 3, pallet (12) is moved in a horizontal direction from position (29), which is the 'waiting position', to a position on (21) located at an inlet of the machining tool, which is the 'machining position'. The pallet is then slid over to the tool (20) and the workpiece on the pallet (12) is worked on by the tool (20), after which the pallet (12) (and workpiece) is returned to the position on (21) located at the inlet of the machining tool, and from there to position (29). Therefore, since Osburn provides the same movement of the pallet as Applicant's, Osburn is considered to place the work on the waiting position 'directly after' the work has been machined, as claimed in claims 3, 5, and 12.

Applicant's arguments that the spindle of Osburn moves in a vertical (Y-) and horizontal (Z-) direction, i.e., but not in a transverse (X-) direction have been considered but are not persuasive since the Examiner's use of X-/Y-/Z- in the Office action was typographically incorrect since the Examiner was intending to provide an explanation of the two movements provided by Osborn and Matsumiya as claimed. Osburn's spindle moves in a vertical, e.g., Y-, and horizontal, e.g., Z-, direction only, where the movement of the pallet in the transverse, e.g., X-, direction relative to the spindle is provided by the platform (24); and Matsumiya's probe moves three-dimensionally, e.g., in X-/Y-/Z- directions. Therefore, the Y-/Z- movement of the spindle and the three-dimensional movement, i.e., X-/Y-/Z-, of the measuring probe of the machine tool of Osburn and Matsumiya provide a movement in a horizontal direction and orthogonal to each other, as claimed.

Applicant's arguments that Matsumiya fails to disclose or suggest a waiting position of an auto-pallet changer for using the CMM to measure a workpiece at the waiting position because Matsumiya teaches that the work is measured 'directly at the machining site' are not persuasive since the rejections are not based on Matsumiya teaching an auto-pallet changer having a waiting position, and since the phrase "machining site" stated by Matsumiya refers to the general location of the machining process, and not a location directly at the machining tool as apparently interpreted by Applicant. This can be seen in figure 14 of Matsumiya, which shows the machining tool (215) and a table (217) for supporting the machined workpiece at a location adjacent to the tool. The measuring machine (201) is used to measure the machined workpiece supported by the table. Therefore, Matsumiya does not measure the workpiece directly at the machining tool, as suggested by Applicant.

Applicant's arguments that the Examiner has used the advantages of Applicant's invention as motivation to combine Osburn and Matsumiya are not persuasive since the Examiner's motivation came only from the references themselves since both of the references teach using machining tools for machining a workpiece, where Matsumiya teaches that it is useful to provide a machining tool with a measuring machine in order to measure the shape of a machined workpiece in real time and prevent the production of an inferior workpiece.

Applicant's arguments with respect to claims 8-10 have been considered but are not persuasive for the reasons stated above..